

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-0200-JTM-01
)	
WILLIAM BRIAN DUNCAN,)	
)	
Defendant.)	

**MOTION OF THE UNITED STATES FOR
PRETRIAL DETENTION AND A HEARING PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3142(f)**

COMES NOW the United States of America, by Beth Phillips, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, and hereby moves the Court to hold a hearing pursuant to Title 18 U.S.C. § 3142(f), for the purpose of demonstrating that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community and thereafter detain defendant without bail pending trial of this matter.

Supporting Suggestions

1. Subsection 3142(f), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is in any one of the following categories:

- A. The case involves a crime of violence, a term defined to include either:
 - (1) An offense that has an element of the offense, the use, attempted use, or threatened use of physical force against the person or property of another; or
 - (2) any other offense that is a felony and by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission.
- B. The case involves an offense where the maximum sentence is life imprisonment or death.
- C. The case is a narcotics case under Title 21, United States Code, for which imprisonment for ten years or more is prescribed.
- D. Any felony, even a non-violent felony not involving drugs, if the person already has two or more convictions for a crime of violence, a crime punishable by life imprisonment, or a ten-year drug felony.

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

- A. When there is a serious risk that the defendant will flee; or
- B. When there is a serious risk that the person will “obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.”

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause.

4. A concerned citizen contacted law enforcement officers regarding communications their 18 year old relative had with Mr. Duncan. Based on that complaint, Mr. Duncan was contacted on-line by “Alex”. “Alex” was an on-line undercover identity monitored by the Federal Bureau of Investigations. Mr. Duncan began communicating with 14-year-old “Alex” on December 3, 2010. From the very onset of the communications, Mr. Duncan was advised that “Alex” was 14 years old.

5. Mr. Duncan communicated with “Alex” regularly from December 3, 2010, until the date of his arrest on December 29, 2010. During the course of the communications Mr. Duncan made numerous sexual references, and offered to perform oral sex on “Alex”.

6. While communicating via the internet, Mr. Duncan asked “Alex” several times where his mother was, and also advised “Alex” to erase their on-line chats.

7. On December 29, 2010, Mr. Duncan made arrangements to drive to “Alex’s” home to pick “Alex” up and take him to a park. Mr. Duncan advised “Alex” what to wear for their encounter, including what type of underwear to wear.

8. Prior to the purported meeting, Mr. Duncan contacted “Alex” and advised “Alex” to meet him on a specific street near Quick Trip.

9. Mr. Duncan was arrested at Quick Trip, and in the vehicle he had described on-line to “Alex.”

10. Mr. Duncan is charged by way of complaint with one (1) count of Enticement in violation of Title 18, United States Code, Section 2422(b), which carries a range of punishment of not less than 10 years nor more than life imprisonment.

11. Until recently, Mr. Duncan was employed as a police officer for the city of Lansing, Kansas, and is currently working as a loss prevention manager for a local retailer.

12. Because of Mr. Duncan's position of authority and trust, his experience in law enforcement and familiarity with criminal law, his demonstrated interest in sexual activity with minors, and willingness to follow through on his desires, the Government believes that Mr. Duncan is both a flight risk and danger to the community.

WHEREFORE, the Government respectfully requests that this Honorable Court set a detention hearing to demonstrate that no condition or combination of conditions will reasonably assure the defendant's appearance as required by the court and the safety of other persons and the community and thereafter detain defendant without bail pending trial of this matter.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/ Teresa A. Moore*

Teresa A. Moore
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on December 30, 2010, to the CM-ECF system of the United States District Court for the Western District of Missouri, and that a copy of the foregoing document will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/ Teresa A. Moore

Teresa A. Moore
Assistant United States Attorney